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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------------------------------------------------------------------------------|-------------|----------------------|----------------------|------------------|
| 10/603,624 | 06/26/2003 | Shigeki Matsubara | KAS-185 | 4456 |
| 24956 | 7590 | 06/21/2006 | EXAMINER | |
| MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314 | | | LEVKOVICH, NATALIA A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1743 | |

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/603,624 | MATSUBARA ET AL. |
| | Examiner | Art Unit |
| | Natalia Levkovich | 1743 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 February 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendments and remarks dated 02/08/2006 have been acknowledged by the Examiner and entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

Claim Rejections - 35 USC § 112

3. Claims 1-10 remain rejected under 35 U.S.C. 112, second paragraph, as being unclear for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Although the amended claim 1 now recites not only the display but also other components of the analyzer, some essential parts, such as a controller, or software are not positively claimed as to be included into the apparatus. It is unclear how the display would provide for the recited functionality without being related to a controller. With respect to claim 10, see paragraph 2 of the prior Office Action.

Claim Rejections - 35 USC § 102

4. The 35 U.S.C. 102(b) rejection of claims 1-2 and 9 as being anticipated by Mimura et al. (EP 0952452), is withdrawn in light of the latest amendments

Claim Rejections - 35 USC § 103

5. Claims 1-5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mimura et al. (US 6080364) in view of Bender et al. (US 5576946).

With respect to claims 1-2, Mimura discloses an automatic analyzer comprising reaction vessels 46B, photometer 14b ['analysis part' – Ex.] and a display which shows an operation flow represented by a set of screens with classification captions ['boxes' – Ex.] corresponding to various operation steps, such as reagent management, reagent management, calibration, or quality control (see Abstract and Figure 3). "...When a state corresponding to one of a plurality of classification captions occurs ['time series – Ex.], the display state of the corresponding classification caption is changed"-(Col.2, lines 35-40).

Within a particular operation step, for example, calibration, represented by a calibration screen shown in Figure 4, "display blocks 401 to 404...symbolizing ... a plurality of states of calibration... are displayed...When the analyzer status includes the event symbolized by the corresponding display block, the display state ['displaying manner' – Ex.] of each of the display blocks 401 to 404 as a classification caption is changed", for example, "display block 402 ... flickers when there is an analysis item whose calibration time interval has elapsed" (see Col.15, lines 5-40).

Mimura does not teach displaying all the operation steps 'required for starting up' the analyzer in a time series.

Bender discloses a control system for "creating, modifying, initiating and controlling a manufacturing process ... using computer on-screen icons as metaphors for actual process steps... Other features provide on-screen execution and control of start-up, operation, alternative operation, suspended operation (park), shut-down, and servicing functions" (Abstract). The system further provides an "overview screen that displays for the operator the instantaneous status of all equipment, the current process variables in use, and the current location of the program in the overall program sequence"(Col.7, line 30). "When selected from the menu bar, the selected item "lights up" ... or otherwise changes to indicate selection" (Col.8, line 20). "The icons are arranged ... to appear in a chained sequence across the computer screen, connected by arrows designating the directional sequence of events. Preferably, when an icon is selected..., it is identified on the screen in the preferred embodiment by a contrasting color or other appropriate designator" (Col.8, line 35). Thus, the display "shows the operator the trends over time for each important process variable as the process proceeds. Further, it enables the operator to effect temporary changes in the process variable setpoints. (Col.10, lines 30-35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have configured the display of the modified apparatus of Mimura in such a manner that all the operation steps 'required for starting up'

the analyzer would be represented by icons / 'boxes' arranged in a time series, the icon representing a next executable operation step being identified on the screen by a contrasting color, in order to show the operator the trends over time, thus enabling the operator to effect temporary changes during the process.

Referring to claim 3, although Mimura discloses tracking an execution history for the calibration step only (Col 16, line 60) and does not teach the same for the step of maintenance, it would have been within the ordinary skill in the art at the time the invention was made to have configured the display of the modified apparatus of Mimura in such a manner that the execution history of the maintenance would be shown, and the icon which indicates the maintenance item to be executed would be displayed in a different color from other icons, in order to attract attention of the operator when operator's input is needed.

With respect to claim 4, Mimura does not disclose an operation step to be a step of clearing garbage data and a corresponding box changing its color when the above step is required. However, garbage collecting/clearing off is a well known, routine procedure used in numerous software packages. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have configured the display of the modified apparatus of Mimura in such a manner that the corresponding boxes would change the color, or caption, or flicker, in order to attract attention of the operator when operator's input for the step of data clearance is needed.

As to claims 5 and 7-8, although Mimura does teach reagent management, calibration' and 'quality control as operation steps, however,

Mimura does not specify that when calibration' and 'quality control are needed, or a day before a reagent amount is expected to become insufficient, the corresponding box would change its color. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have configured the display of the modified apparatus of Mimura in such a manner that the corresponding box would change the color, in order to attract attention of the operator when operator's input for the steps of the reagent management, calibration' and 'quality control is needed.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mimura in view of Koakutsu et al. (EP 0359049).

Although Mimura does disclose reagent management as an operation step, the reference does not specifically teach the steps of rinsing and priming the flow paths. However, the operations of rinsing / priming the containers and/or fluid communication means are routinely used in the art (see, for example, the Koakutsu reference, Col. 1, lines 25-40; Col.5, lines 10-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the steps of rinsing / priming of flow paths into the setup operation in the system of Mimura, in order to provide for accurate results of the analysis.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mimura in view of Kodosky et al. (US 4901221).

Mimura does not disclose a configuration display section showing configuration of the automated analysis system. Kodosky disclose a computer system having a display console for displaying images representing the configuration of the

system and allowing the system control (Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed symbolic representation of the constituents of the automated analysis system of Mimura, with the symbol representing the element of the system involved in an on-going operational step being displayed differently from the remaining steps, in order to attract attention of the operator when operator's input is needed.

Response to Arguments

8. Applicant's arguments dated 02/08/2006 have been fully considered but they are not persuasive and moot in light of the new grounds of rejection. With respect to Applicant's arguments regarding the operation steps being displayed as icons arranged in operation order with color indication of the selected item, see paragraph 5 of the instant Office Action.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalia Levkovich whose telephone number is 571-272-2462. The examiner can normally be reached on Mon-Fri, 8 a.m.-4p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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